

UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF MICHIGAN  
 SOUTHERN DIVISION

D.L.; K.S.F.; and K.B., by and through  
 her parent and next friend H.B.

Case No. 1:22-cv-838

Plaintiffs,

HON. ROBERT J. JONKER

v.

MICHIGAN DEPARTMENT OF  
 EDUCATION, a governmental agency,

Defendant.

**SECOND CASE MANAGEMENT ORDER**

**IT IS HEREBY ORDERED:**

Motions or Stipulations to Join Parties or Amend Pleadings	BY MOTION
Rule 26(a)(1) Disclosures (including lay witnesses)	APRIL 30, 2023
Plaintiffs: Defendant:	APRIL 30, 2023
Disclose Name, Address, Area of Expertise and a short summary of expected testimony of Expert Witnesses (Rule 26(a)(2)(A))	
Party with the Burden of Proof: Responding Party:	FEBRUARY 15, 2024 APRIL 15, 2024
Disclosure of Expert Reports (Rule 26(a)(2)(B))	
Party with the Burden of Proof: Responding Party: Rebuttal Reports:	FEBRUARY 15, 2024 APRIL 15, 2024 APRIL 30, 2024
Completion of Discovery	JUNE 21, 2024
Dispositive Motions	Deadline to be set at Second Rule 16
Interrogatories will be limited to: (Single Part Questions)	25 single part questions
Depositions will be limited to: (Fact Witnesses Per Party)	10 per party
Requests for Admission will be limited to: (Per Side)	10 per side

Settlement Conference	None at this time
ADR To Take Place On Or Before:	Deadline to be set at Second Rule 16
Second Rule 16 Scheduling Conference:	JUNE 24, 2024 2:00 PM
- Updated Joint Status Report Due	June 17, 2024

1. **JOINDER OF PARTIES AND AMENDMENTS OF PLEADINGS:** All motions or stipulations for joinder of parties and all stipulations to amend the pleadings must be filed by the date set forth in the table above to ensure amendment as a matter of consent under Rule 15(a)(2). Proposed amendments after the noted date are by leave of court.
2. **DISCLOSURES AND EXCHANGES:** Deadlines for exchange of Rule 26(a)(1) disclosures, names of lay witnesses, identification of experts, production of documents, and disclosure of expert reports under Rule 26(a)(2), if applicable, are ordered as set forth in the table above.
3. **DISCOVERY:** All discovery proceedings shall be completed no later than the date set forth in the table above, and shall not continue beyond this date. All interrogatories, requests for admissions, and other written discovery requests must be served no later than thirty days before the close of discovery. All depositions must be completed before the close of discovery. Interrogatories will be limited as set forth in the table above. Depositions will be limited as set forth in the table above. There shall be no deviations from this order without prior approval of the court upon good cause shown. Time limitations for depositions set forth in Rule 30(d)(1) apply to this case.
4. **MOTIONS:**
  - a. Non-dispositive motions shall be filed in accordance with W.D. Mich. LCivR 7.3. They may be referred to a magistrate judge in Grand Rapids, Michigan, pursuant to 28 U.S.C. § 636(b)(1)(A). In accordance with 28 U.S.C. § 471, et seq., it is the policy of this Court to prohibit the consideration of discovery motions unless accompanied by a certification that the moving parties have made a reasonable and good faith effort to reach agreement with opposing counsel on the matters set forth in the motion.
  - b. Dispositive motions shall be filed in accordance with W.D. Mich. LCivR 7.2 by the date set at the Second Rule 16. If dispositive motions are based on supporting documents such as depositions or answers to interrogatories, only those excerpts which are relevant to the motion shall be filed. The case manager will notify counsel of the date for oral argument.
5. **ALTERNATIVE DISPUTE RESOLUTION:** In the interest of facilitating prompt resolution of this case, and the parties having voluntarily selected facilitative mediation, this matter shall be submitted to facilitative mediation. The parties have fourteen (14) days from the date of this Order to jointly choose one mediator from the list of court certified mediators.<sup>1</sup> Plaintiffs are responsible for e-filing notification of the name of the selected mediator. If the parties are unable to jointly select a mediator, they must notify the ADR Administrator<sup>2</sup>, who will select a mediator for them.

<sup>1</sup> [www.miwd.uscourts.gov](http://www.miwd.uscourts.gov)

<sup>2</sup> ADR Administrator, U.S. District Court, 399 Federal Building, 110 Michigan St., NW, Grand Rapids, MI 49503; 616/456-2381; adr@miwd.uscourts.gov

Once the mediator is selected, a Notice will issue regarding the method and schedule for the mediation conference.

6. **SETTLEMENT CONFERENCE:** The parties are under an ongoing obligation to engage in good faith settlement negotiations. No settlement conference has been scheduled at this time.

Dated: January 22, 2024

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE